

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

(Worc.)

DONALD K. ANDRE JR.

V. (Plaintiff)

JUDGE MORIARTY

JUDGE LEMIRE

SHERIFF GUY GLODIS et. al.

(Worcester County Sheriff's Dept.) (W.C.H.C.)

Jeffrey Turco &amp; Deputy Chappel

Lt. Betty &amp; Paolo Franzese

Luigi Difilippo &amp; Steve Kennedy

Carmen Eldridge &amp; Ass. Superintendant Legendre

DENNIS P. McMANUS et. al.

(Clerk of Courts Dept.)

Clerk Connie &amp; Tony Rabidon

Kevin Gabidon &amp; Catherine Brennan

Tempsey

JOSEPH D. EARLY JR. et. al.

(District Attorney's Dept.)

Glenn Ludwig &amp; Sandra Hartanen

Attorney Patrick Burke (esq.)

Attorney Loconto (esq.)

Attorney John Goggins (esq.)

FILED  
IN CLERK'S OFFICE

Civil Action No:

COMPLAINT

Pursuant 42 U.S.C. § 1983  
1985 & 1986

Dated: 12-26-2010

Respectfully Submitted,  
Donald K. Andre Jr.  
Donald K. Andre Jr. (Rose)  
MSA# 0079330  
5 Paul X. Tivnan Dr.  
Westboyiston, MA  
01583

The Plaintiff comes now pursuant 42 U.S.C. 1983, 1985, 1986 herein with multiple civil rights and Amendments of the Constitution violated by defendants herein named supra; who acted under the color of law in official and individual capacities while abridging the Plaintiff's rights and privileges by ways of perpetration, conspiracy, and neglect to interfere in the ongoing mail travel, impeded access to the Courts and wrongfully dispositioned (evidence) property (\$4162.00 U.S.) of the Plaintiff; resulting in deprivation of self representation, redress, liberty, Speedy Trial, due process, and equal protection of Law, ect.; entitled to the Plaintiff by way of the I<sup>st</sup>, IV<sup>th</sup>, V<sup>th</sup>, VI<sup>th</sup> and XIV<sup>th</sup> Amendments of the U.S. Constitution.

### FORMAT

The Plaintiff comes now Pursuant Fed. R. CIVIL P. 8(a); 10(b) and the forms of the Pleadings; claims for relief. All subsequent filings pursuant to this complaint by the Plaintiff shall respectively follow these rules and procedures as well.

The Plaintiff also wishes to preserve his right pursuant Fed. R. CIVIL P. 15, due to the emergency situation and the immediate, and irremediable harm and possible danger the Plaintiff has been put in; to be able to Amend and supplement at a later date when relief has been granted.

The Plaintiff now avers his complaint couched in the facts, causes of action, and exhibits.

BACKGROUND

- 1) On Feb. 26<sup>th</sup> the Plaintiff's doors were kicked in at his residence of 186 Everett St. by Sgt. P.D. who executed a search warrant based on a falsified affidavit.
- 2) The Plaintiff was appointed an attorney by the name of Stuart Horowitz by C.P.C.S. on March 3<sup>rd</sup> 2010
- 3) On May 3<sup>rd</sup> the affiant (Scott Bailey) who's the lead Det. goes in front of a Grand Jury ~~obtain~~ an indictment, and fails to mention CI's and controlled boys as purported in the affidavit along with a whole 3 month investigation.
- 4) On May 18<sup>th</sup> Plaintiff is indicted; arraigned on May 31<sup>st</sup>.
- 5) The Plaintiff could not get attorney Horowitz to proceed with the Plaintiff's obvious defense of Police misconduct, and had no choice but to discharge Counsel and go Pro se'.
- 6) On Aug. 24<sup>th</sup> the Plaintiff went Pro se' and was denied stand-by counsel.
- 7) On Aug 25<sup>th</sup> A forfeiture complaint was filed by A.D.A. Sandra Huttanen for the Commonwealth,
- 8) Since Aug 24<sup>th</sup> and going Pro se' the Plaintiff has been railroaded in multiple proceedings in multiple ways with the continuing bad faith and corruption from the beginning starting with Sgt. P.D. and the Political Army that



8) That has been given a liberal view while holding the Plaintiff to every rule on everything he does, or has done; while mail and access to the Court was impeded and at times denied and plainly cut off totally.

9) The Plaintiff was told he was not entitled to protection of or by the record, could not file letters to attorney's, Judicial Notices, supplemental attachments to motions; Clerks can throw things in trash, and don't have to notify anyone about anything or what filings they throw in the trash, Nor does the Court.

10) All parties herein couched in the causes of actions worked in concert with malicious abuse of Policies and Process; grossly misconducting and violating Judicial Codes and canons, along with Codes of Professional responsibility for lawyers, ect.; disquistingly disregarding the U.S. Constitution & Federal Law; willingly and voluntarily.

# "FIRST CAUSE OF ACTION"

## JUDGE MORIARTY

- 1) All facts in Exhibit "0" zero, of which was the Plaintiff's application to the Massachusetts Supreme Judicial Court for interlocutory appeal, that was railroaded and detoured by the Jail; states all facts in the hearings held by Judge Moriarty and his gross impropriety of Justice, fundamental fairness, due process, and equal protection, later elaborated on herein the complaint after the reading of the application. (See EXB "0" then refer back
- 2). Exhibit "0" zero, encompasses Judge Moriarty's cause of action and now as it restated and reiterated in the facts and Memorandums there of the application the Plaintiff now avers & elaborates further to state his claims and relief sought.
- 3) Judge Moriarty's out of the gate "your denied" and we don't care what you have to say about these officers and their misconduct; your guilty because I say so attitude was very unprofessional, bias, prejudicial, and showed nepotism, favoritism, impatience, uncourteous, and this attitude; behavior was far from dignified, and or even close to fundamental fairness.
- 4) Judge Moriarty was acting in his own individual capacity while cloaked in his official capacity under the color of Law disregarding professional competence in Judicial administration while depriving the Plaintiff of his Constitutional rights such as self representation, redress against Police misconduct, life, liberty, property, with due process and equal Protection of Law; all included in the I<sup>st</sup>, IV<sup>th</sup>, V<sup>th</sup> & XIV<sup>th</sup> Amendments of the U.S. Constitution.

5) Judge Moriarty's arbitrariness were voluntary; deliberate and denied the Plaintiff's rights of which entered Judge Moriarty in the conspiracy to railroad this Plaintiff and his defense against Police misconduct and the custom usage of Policies of Surrounding Worcester County Police officers to make up CI's and controlled buys at the expense of the tax payers, of which was ignored by Judge Moriarty callously and with malice; in which this Plaintiff seeks Declaratory and injunctive relief with Punitive and compensatory relief as well.

## "SECOND CAUSE OF ACTION"

### JUDGE LEMIRE

1) Exhibit "0" (zero) facts 46-47 and pages 14-15 argument IV refers to proceedings with Judge Lemire; Exhibits 1, 2, 3, 4, 5, 6, and Exhibit "16 § C" were all ignored, and pertain to proceedings and or the complaint herein related to Judge Lemire's cause of action. Please read Exhibits supra then refer back to this cause of action.

2) The Plaintiff now restates and reiterates all facts, memorandums, reasons and Exhibits supra herein to aver his claims and relief sought.

3) On 9-10-10 Danielle Thurlow (common law wife) co-def. of the Plaintiff was coerced to take a deal for misdemeanor possession by Judge Lemire and attorney's Patrick Burke, & Mr. Locanto.

4) Judge Lemire disregarded G.L. 94C § 47 (Forfeitures) and forfeited Seized money that was exculpatory evidence with no notice to the Plaintiff who already filed as an



interested party before the 20 day summons was up.

5) The forfeiture orders reflect Danielle Thurlow as the defendant not the \$4,262.<sup>00</sup>; the Docket# reflects the criminal docket not the civil docket. Judge Lemire was well aware of the civil action seeing he had ordered the track change the day before he forfeited the money. Sandra Houtanen was also appointed as A.D.A. not Chris Hodgins to the forfeiture; the signature reflects ADA Hodgins, see Exhibit "14", Paper #9, Signature, defendant, & Docket# all wrong.

6) Judge Lemire with his malicious disregard for due Process and equal Protection illegally seized the Plaintiff's money that was once already seized by Sbgc. P.D. illegally; of which was very crucial evidence in the still pending criminal matters seeing that money was missing due to Police misconduct, there were no rubber bands on the money as alleged, and also there was money with tattoo ink on it due to an accident with a customer that now the Plaintiff has been prejudiced to show on behalf of his defense due to the money being improperly forfeited. The Plaintiff brought this evidence to the attention of the Court on 9/10/10 when the Plaintiff intervened, but the money was still dispositioned.

7) On a November 3<sup>rd</sup> hearing Judge Lemire took Presidence over the case and denied the Plaintiff a name Pro tunc of the record and set the renewal motion for hearing on November 10<sup>th</sup>.

8) In the November 10<sup>th</sup> hearing Judge Lemire denied hearing the renewal motion and the Plaintiff put the Court on notice that the 15<sup>th</sup> of November was the deadline for filing an interlocutory appeal and the Plaintiff would be

Waiting no longer to put in his application and notice, see Exhibit "8", paper #24 & paper #26 on the docket. The Court did not receive the notice at the same time of the application and the Plaintiff had to file it in open court at a later date. The Supreme Court never received Exhibit "0 (zero)" and/or the Judicial notice (Exhibit "2") as later found out by the Plaintiff at the Jail via phone call on December 17<sup>th</sup> from clerk David (SJC).

9) Before the hearing on the 19<sup>th</sup> the Plaintiff filed into a few cases as an amicus curiae (Exhibit "3") to put the Court on notice about the custom usage of Policy in the Clerks office on Nov. 13<sup>th</sup> at the same time the Plaintiff sent his application to the S.J.C..

10) Judge Lemire on the 11-19-10 hearing made a big deal over the docket number on the Plaintiff's filings being that it was the District court docket not the Superior docket. Previously 3 or 4 times, Judge Lemire stated in previous hearings that the related docket number wasn't a big deal and it was related. Judge Lemire also stated that the Plaintiff could not file as an amicus curiae into other cases, and would be receiving the Judicial notice sent to Joli's Owens case file back (Exhibit "3"); but there was no comment about the other 3 or 4 Notices the Plaintiff sent to other cases as interested parties in Exhibit "3".

11) On November 19<sup>th</sup> in open court the Plaintiff filed a motion for more meaningful access; requesting that the Plaintiff be able to make his own copies of his legal work. see Exhibit "4". Also talked about and should have been filed and docketed was Exhibit "5", but appears to be missing from the criminal docket (Exhibit "8"). The filing is an affidavit with orders and letters to Deputy Chappel and Lt. Betty



requesting mail and phone logs, of which Judge Lemire told the Plaintiff he had to contact the Tails lawyer first before he would issue orders.

12) Judge Lemire Proceeded to ignore multiple filings, missing, clerical errors, possible fraud, and definitely impeded mail and access; yet he denied the Plaintiff's motion 42 supplantedly attached to the 60(b) motion (Exhibit "1"), along with mocking and making fun of the Plaintiff when asked if he knew a Tony Rabidon, who obviously signed for the certified mail that never entered the file, docket or reached Sandra Houtanen (A.D.A.), see Exhibit "1", 60(b) motion § "E"; and when brought to the attention of Judge Lemire he proceeded to go around the Court room and ask A.D.A. Hodgins and clerks if they knew who Tony Rabidon was; of course everyone stated "No". Then as if on cue A.D.A. Hodgins took over and started to read the motion 42/60(b) and read the part of the memorandum that stated fraud, and then the Judge took over and curtailed the hearing without letting the Plaintiff rebut.

13) Besides ignoring mail fraud, impeded access and missing filings and docket entries along with the danger the Plaintiff was facing on appellate review and plainly laughing at the hardships of the Plaintiff, Judge Lemire stated that the Clerks office can throw mail in the trash because the envelope does not list a department; for example see Exhibit "1", 60(b) motion § "E". The Plaintiff further elaborated and asked the Judge, even if a clerk opens up an envelope and sees the Parties and docket in header the clerk can throw the envelope away? Judge Lemire stated "YES".

14) Judge Lemire further Stated in the hearing that it's not a clerk's duty to put you on notice about filings and or errors; along with Court's Policies being that letters to attys are not permitted; also filings pertaining to other courts (Lawsuit against Sbgc P.D.; Superior Ct. was interested party).

15) Judge Lemire stated, to "address the Tails lawyer about access and logs" but that he wanted to prepare this case for trial (ignoring interlocutory appeal). Upon return to the Jail, Lt. Betty approached the Plaintiff immediately upon arrival to state that Paul Franseze was Tails Lawyer. (attempt to railroad).

16) In the 11-30-10 hearing the Plaintiff filed his interlocutory appeal notice due to it being lost at Jail and or Court see Exhibit "8" paper #36.

17) The Plaintiff was denied access to the record and re-filing of missing documents that would prejudice the Plaintiff if missing from file for appellate review once again. But according to Judge Lemire Court Policies don't allow for atty. letters to be filed or other Court interests; but the criminal docket contradicts that statement, see Exhibit "8" paper #16 & 17.

18) Judge Lemire proceeded to make fun of the Plaintiff in the hearing and ask him what a Judicial Notice was; the Plaintiff replied "it's a notice to the Court as to a matter of Law". Judge Lemire never responded back.

19) The Plaintiff also began to notice Court room atmosphere changing in the hearings, with stand-by (John Goggins) constantly in the Plaintiff's face talking and giving unsolicited advice; all the while when the Judge or A.D.A. ~~was~~ speaking, Lawyers laughing, and speaking the whole hearing; multiple Ct.'s all around the Plaintiff causing commotion, playing with the plaintiff's papers, and creating distractions.



20) On 12-15-10 the Court room was a complete circus with side shows everywhere. When the Plaintiff came through the doors the Court was filled with lawyers all in black suits who were gathered in a circle laughing smiling and pointing; then scattered upon the Plaintiff's approach. Throughout the hearing the 4 or 5 Co's in the Court room were all around the Plaintiff and his papers and had to tell the Co's a few times not to touch his papers, but they insisted they had to remove staples. Stand-by (Goggins) repeatedly kept in and out of the Plaintiff's face at which time the Plaintiff had to put his hand in John Goggins face to shooosh, because the Judge was speaking; in all of the totality of the Court room with lawyers talking and laughing through out the room created a total circus for a Court Room.

21) Judge Lemire states that a Tail representative is hear from the Tail (Paolo Franseze). The Plaintiff replied that there was no notice of this rep being hear today, and the Judge replied that the Plaintiff subpoenaed him. The Plaintiff then replied that "the only thing served was a subpoena duces tecum motion (Exhibit "6")"; but no date was set and in fact we were suppose to hear that motion today, and if you look at exhibit "The Plaintiff was cut off, there when Judge Lemire then stated he did not have the motion on for hearing today in front of him (Exhibit "8" paper #38).

22) A.D.A. Hodgins then gets up to read off his certificate of compliance in such a low voice it is barely a whisper, and the Plaintiff has to have the Judge make the A.D.A. repeat himself; while A.D.A. Hodgins is laughing with Paolo Franseze the Tail's representative like it's all a joke.



23) The Court room was literally a circus run by Judge Lemire and his arbitrary like a ring leader denuding the propriety of the courtroom, it's codes, integrity and independance of the Judiciary.

24) Based on facts, reasons, and Exhibits pertaining to Judge Lemire and or neglected intervention of by himself; along with actions heron this cause have given rise to Judge Lemires Gross improprieties of Justice and it's Codes of responsibility including but not limited to: lying about Court Policies, ignoring mail fraud, police misconduct, abridging Law, denying Court access, demoting Public confidence, following Political nepotism, maintaining unprofessional competence, impatient, uncourtiness, undignified, bias, prejudicial malice behavior; with a grand scheme to railroad the Plaintiff and enters the conspiracy by not interfering with the civil rights violations, custom usage of Policy, mail fraud, and the perpetration of a fraud. Furthermore with Judge Lemire lying about Court Policy, and clerk policy, brings him out of his official Capacity and acting in his individual capacity; while acting under the color of Law and violating multiple civil rights of the Plaintiff; stripping him of his 11<sup>th</sup> Amendment immunity (along with coersing a defendant).

25) The Plaintiff who was denied redress, life, liberty, property, due process and equal Protection of Law, fundamental fairness and a libral view, access to the Court, self representation and a proper defense, speedy trial; all entitled by way of the I<sup>st</sup>, IV<sup>th</sup>, V<sup>th</sup>, VI<sup>th</sup>, & XIV<sup>th</sup> Amendments of the U.S. Const.

26) The Plaintiff seeks Declaratory, and injunctive relief and Punitive and compensatory damages.

THIRD CAUSE OF ACTION

(Sheriff) GUY GLODIS et. al.

Jeffrey Turco (Special Sheriff)  
 Deputy Chappel  
 Lt. Betty (Records)  
 Paolo Franseze (Representative)  
 Difilippo Luigi (clerk of records)  
 Steve Kennedy (mail Rm., Dept.)  
 Carmen Eldridge (mail Rm., Dept.)  
 Assistant Superintendent Legendre (attachment)

- 1) All persons and departments supra and unnamed persons; departments, including direct and or indirect offices, subcontractors, or persons but not limited to, did act in concert and under the Sheriff's Departments control and or Jurisdiction; neglect to interfere in the conspiracy to railroad the Plaintiff, entering them into the conspiracies, mail fraud, perpetration of fraud and to deny the Plaintiff access to courts, while acting under the Color of Law, using custom usage of Policy and or acting in individual capacities while cloaked in their official capacities.
- 2) Before October 4<sup>th</sup> the Plaintiff started to try and retrieve mail logs (Legal) from John and Rich (Jail house lawyers); also Social worker Dan at W.C.H.C.. On Oct. 4<sup>th</sup> after confirmation with Clerk (Connie) at the Wore. Ct. that there was big access and mail impediment issues, the Plaintiff was then hard pressed to retrieve the legal mail logs, (see Exhibit "1" motion 60(b) § "D"), after phone call with Connie. (Social workers office)
- 3) Throughout October the Plaintiff was given the runaround



for the logs by Social workers (Dan, ect.) and Jail house lawyers, ect.. The Plaintiff on November 3<sup>rd</sup> started to bring the impeded access to the Courts attention.

4) On or about Nov. 8<sup>th</sup> the Plaintiff mailed letters with attachments of the Motion 42 (clerical mistakes) with a Supplemental 60(b) motion attached to Lt. Betty's and Deputy Chappels (see Exhibit "5" letters attached) letters to put them on notice of what was happening with mail and the clerks office; also warning them to sever themselves from the fraudulent actions occurring.

5) After writing to the Deputy and Lt. with no reply response, the Plaintiff attempted to address the issues in Court with orders to Judge Lemire, who suggested to contact the Jails lawyer to address the issues first.

6) Upon returning back to the Jail Lt. Betty approached the Plaintiff immediately in the bull pen area, to tell him the Jails lawyer was Paolo Franzese; of which was false information due to the Jails lawyer being Jeffrey Turco, confirmed the following day by Rich Kalenowski; (Jail house lawyer) who agreed Jeffrey Turco was the Jails lawyer.

7) The plaintiff sent letters to Jeffrey Turco, see Mr. Turco's letter attached to Exhibit "5" & "4". Also attached to the letter in Exhibit "5" was the motions 42 & 60(b) so Turco could witness what was happening; and that the Deputy and Lt. were already put on notice and didn't respond. See Exhibit "9" for what happened next.

8) On or about Nov. 22<sup>nd</sup> 2010 the Plaintiff recieved outgoing mail logs when mail was passed out.

9) On Nov. 30<sup>th</sup> the Plaintiff brought these failed correspondences to the attention of Judge Lemire, who requested that the Plaintiff serve the Jail in the form of a motion; that the court will hear



the motion on December 15<sup>th</sup> 2010.

10) On or about the 6<sup>th</sup> of December the Plaintiff put the Sheriff Guy Glodis on notice in the form of motions and Subpoena's, see Exhibit "1" and the Supplemental certificate of service added to motion 42 (clerical mistakes) for certified proof of service to parties.

11) Read Exhibits "6" and "10" and refer back to witness what Guy Glodis neglected to interfere with; what was happening in his Departments, and concerted actions with the Courts Departments and persons herein the Complaint; Showing mail fraud, custom usage of Policy, and conspiracies of fraud, and denied access to Courts all ignored by Guy Glodis.

12) On December 14<sup>th</sup> the Plaintiff recieved a 1/4 of what was requested of mail and phone logs, in hand, the day before Court; attested to by Jeffery Turco, Paola Franzese, Lt. Betty, and clerk of records Luigi Diliberto, that this all of what was requested by the Plaintiff since the beginning of Mr. Andre's incarceration.

13) First off, the Plaintiff at no time ever requested phone logs from the automated services. The Plaintiff requested phone logs from the Social workers legal phone loggings; as specified in all letters to the Deputy, Lt., and Mr. Turco. Secondly if this is true that this is all the incoming mail receipts then there is some definite custom usage of Policy going on in the mail Dept at the Jail, that now has prejudiced the Plaintiff to prove the Clerks office never sent notice to the Plaintiff. But the only thing left out, other than the phone logs and lacking receipts is the Computer logs such as the ones on the ~~outgoing~~ logs (see Exhibit "6" & Exhibit "A")

14) The evidence missing from these requests of logs is evidently & clearly a showing of concerted actions, custom usage of Policy, Mail fraud, and perpetration of frauds, and conspiracies to deny the Plaintiff access to the courts.

15) Steve Kennedy, and Carmen Eldridge are responsible for mail in the mail department at the Jail, and sign for incoming certified mail; along with Mr. Kennedy claiming to be some type of supervisor; of which both persons are responsible for the lost mail, lacking mail loggings, and have neglected to interfere with the Jail and Courts concerted actions to railroad the Plaintiff, and his mail. Both Persons are to blame for the mail fraud due to it being their Federal duty and responsibility for U.S. Postal services to be completed properly with Federal Codes, Policies, and Privacy Privileges, to legal mail ect... These two persons are guilty of a Federal Crimes. See Exhibit "7," for entire mail logs.

16) The logs missing from before October 25<sup>th</sup> when the mail receipts start are the ones that will prove the custom usage of policy and misconduct of the Court; along with social worker phone logs, and these are the exact logs that are missing, and the mail logs (incoming) conveniently start at Oct 25 when the Court started responding to the Plaintiff getting the forfeiture proceedings on the record, and in open court along with filing a (60b) motion supplemental to the motion 43 in the criminal proceedings. Obvious concerted actions (many)

17) The Plaintiff has exhausted every possible remedy including putting all departments on notice including the S.J.C.; and is continually ignored and laughed at.

18) The Plaintiff is now in immediate and irremediable danger now that the mail to the Supreme Judicial Court has been



railroaded as well.

19) As the Plaintiff had feared the mail to the S.J.C. was railroaded and on 12-16-10 the Plaintiff wanted confirmation.

20) Carlos, Rich's assistant, called the Plaintiff down for a phone call to the S.J.C. to confirm a docket number from the Court, seeing it had been a month since Exhibit "Zero", the application had been sent; also the Judicial notice with attachments (see Exhibit "2"). A Clerk named David answered the phone at the S.J.C. who confirmed that no mail was ever received by the Court, "Period". This confirmation confirmed the Plaintiff's suspicions of the Courts Departments working in concert with the Jail's departments; as the Plaintiff started noticing the Court was prepared for motions and filings and or proceedings with what the Plaintiff was going to present, and leading the Plaintiff to believe that extra copies of his legal work were being made for the Court to view at the Jail, when Jail house lawyers take the Plaintiff's legal work for hours and at times days to make copies, and or retrieve legal work for the Plaintiff to view, read, research.

21) The Plaintiff also called the S.J.C. back on the 12-17-10, when he spoke with first Justice clerk Nikki who directed his call to a Frank Tanelli who was in a meeting at the time so the Plaintiff had to leave a message. The Jail was locked down for hours after that call, up until shift change when Frank called back but the Plaintiff could not leave the cell due to lock down. The following day the Plaintiff called back and spoke with Nikki again who directed his call to a George ~~Sluka~~ <sup>Sluka</sup>, this time who was expecting the Plaintiff's call.



22) George Slyta offered no help and kept repeating the Court had no Jurisdiction of the Jail and could be of no assistance even though it was mail to the S.J.C. that was being railroaded. The Plaintiff asked if George could refer the Plaintiff to someone who could help and the Mr. Slyta replied with "no", and did not want to tell the Plaintiff his last name.

23) The Plaintiff also attempted to call A.C.L.U. who could not offer any services due to the Plaintiff not being registered and it not being possible to register the Plaintiff or offer legal advice until Mondays when they do intake registrations. But A.C.L.U. did confirm that they had never received any mail from the Plaintiff either even though the Plaintiff sent a few letters to A.C.L.U.; Exhibit "12" being one of them.

24) The Jails attempts with all parties and departments supra that have worked in concert to hide evidence that will uncover the custom usage of Policy, conspiracies to railroad the plaintiff, perpetration of fraud, and mail fraud in the Departments and persons in and of the Court including Judges, is a clear showing that the Sheriff's dept and depts under the control of, have worked in concert together to protect the Court entering all parties supra, and unnamed parties into the conspiracy by failing to intervene and furthermore have committed mail fraud as the S.J.C. mailings being railroaded prove; along with all the mail fraud and custom usage of Policy with the mail loggings as shown in Exhibit "7"; considering the Plaintiff has been here since March 1<sup>st</sup> 2010.

25) Guy Gletis et. al. did voluntarily and willingly with

reckless disregard for Law and Policies did violate the Plaintiffs civil rights by way of custom usage of policy; acting in individual capacities while under the color of Law in their official capacities; of which the Plaintiff is in dire need of declaratory and injunctive relief due to the immediate and irremediable danger the Plaintiff is in, due to all access to Courts being completely shut down, due to parties supra and in the Complaints totality. Further more the Plaintiff seeks Punitive and compensatory damages that have caused the irremediable damage and danger now that the Plaintiff's defense in the criminal matters pending have been completely rail roaded; along with self representation, redress against Police misconduct, and to the Courts, life, liberty, Property, and due Process and equal protection of the Law; I<sup>st</sup>, IV<sup>th</sup>, V<sup>th</sup>, VI<sup>th</sup> & ~~III~~<sup>th</sup> Amendments of the Constitution of the U.S. of America.

## "FOURTH CAUSE OF ACTION"

DENNIS P. McMANUS et. al.  
 Clerk Connie  
 Tony Rabidon  
 Kevin Gabidon  
 Catherine Brennan  
 Tempsey

1) The Plaintiff avers his 4<sup>th</sup> cause of action against Dennis P Mcmanus's Clerk of Courts Department, et.al. based on facts and reasons within Exhibits "1", "6", & "10" & "13" as if restated and reiterated herein.



2) On or about Aug. 25<sup>th</sup> 2010 the Plaintiff tried to set motions for hearing by letter, see Exhibit "13" Letter #1.

3) On or about Oct. 4<sup>th</sup> 2010 the Plaintiff called the Clerks office at Wore., Ct., due to major impediments in mail and access to the Court. The Plaintiff got a hold of a clerk named Connie who acted of little concern about the access, and matters of great importance such as missing filings, can't set motions for hearing, and mail issues due to the clerk Connie admitting to not receiving any mail and or motions or filings along with vouching for A.D.A. Sandra Houtanen and mail she never received as well.

4) On or about Oct. 30<sup>th</sup> the Plaintiff called the Clerks office again, and once again reached Connie who admitted to forgetting filings, see Exhibit "1" motion 42 § "D". Connie was very rude this time. The Plaintiff tried to explain that the Plaintiff was Counsel, not Stand-by atty John Goggins; and that if she took the time to look at the criminal docket (Exhibit "8" 9-30-10 entry) she would notice that John is merely Standby not Counsel, and this needed to be corrected. She said she would not fix it and that I would have to take it up with the Court, because as far as she was concerned there was nothing she could do or attempt to do. Connie acted with very callous indifference on the matters. See Exhibit "13" Letters #2-#3-#4 for letters never responded to and Letter #5-6 for access to the Court "still" shut down, with no access to the record for protection, and or about proceedings and filings pertaining to matters of the Plaintiff in open Court and the investigator. Exhibit "13" letter #2 was responded to on 10-25-10 (over 2wk.) when the letter was sent 10-10-10.



5) There was no response to that letter #2 until the Plaintiff started to bring up the civil in the criminal along with motion 60(b) (Exhibit "1") in open court on 11-10-10 in open court. The Court (clerk's office) back dated the docket entry to make it look good and or viewed the Plaintiff's copies on the 7<sup>th</sup> when the Plaintiff handed over the motions for copying to the Jail house lawyer.

6) On 10-22-10 A Tony Rabidon signed for the certified mail receipts (Exhibit "1", 60(b) motion 8 "E". On a hearing in Nov. Judge Lemire went around the Court room when the Exhibit came up as a question, who Tony Rabidon was? Because the enclosed mail sent certified never reached the clerk or Sandra Houtanen (A.D.A.). Judge Lemire went around asking D.A., clerks who he was, and to much surprise no one knew. On or about December 7<sup>th</sup> the Plaintiff received A.D.A. Houtanen's file as ordered on 12-2-10 (Exhibit "8", "8A"); within Sandra's file (Exhibit "14") paper #8 you'll see a clerk's signature by the name of Kevin Gabidon on orders never received by the Plaintiff, or that were never entered in the civil docket, but apparently the record and Sandra's file. Kevin Gabidon's custom usage of Policy is evident due to the order never being sent to the Plaintiff and or entering the docket, and further more it can be more than reasonably inferred that Tony Rabidon is Kevin Gabidon at a time when he was under pressure to sign certified mail from the Plaintiff of which he knew he had to railroad somehow, but did not effectively enough lie, and forge a fake signature, and clearly forged a name close to his own at the time under pressure; and acting in his own individual capacity committing mail fraud, falsifying, and forging documents while perpetrating a fraud, and conspiring to railroad the

the Plaintiff while acting in his official capacity, under the Color of Law.

7) Also in ADA Sandra Hartman's file paper #s 8, 9, 10, & 11 of 18 are signed by Assistant Clerk Catherine Brennan who never sent any notice to the Plaintiff at the Jail but obviously sent notice to the ADA.

8) Paper #18 is signed by assistant clerk Tempsey who does not mail copies of the order he signed and Judge Tucker signed; but apparently sent copies to ADA.

9) Dennis P. McManus was put on notice and provided with motions 42 & 60(b) (see certificate of service (EXB "1") and Subpoena duces tecum, Exhibit "10" (see certificate) of what was happening in his department along with the Plaintiff bringing up these motions and issues in open Court in front of numerous clerks in numerous hearings.

10) Dennis P. McManus neglected to interfere in the custom usage of Policy in his department; entering him into the conspiracies, and perpetration of fraud, mail fraud and the Plaintiff's denied access to the Record, docket, and slamming the doors shut on the Plaintiff to the Courthouse.

Dennis P. McManus, et. al., persons named, and unnamed, with persons and departments, and or offices in concert named and unnamed did act under the color of law, in their own individual capacities while cloaked in their official capacity to railroad the Plaintiff and violate his civil rights willingly with callous indifference for U.S. Constitutional Amendments I, IV, V, VI, XIV and or the Plaintiff's rights to self representation, redress, life, liberty, property, due process and equal protection of law. The Plaintiff seeks Declaratory and injunctive relief with Punitive damages & compensatory damages.



# "FIFTH CAUSE OF ACTION"

JOSEPH D. EARLY et. al.

Glenn Ludwig (chief A.D.A. of forfeiture unit)

Sandra Hautanen (A. D. A)

1) Based on facts and reasons in Exhibits "1", "6", & "10" as it restated and reiterated the Plaintiff avers his 5<sup>th</sup> cause of action herein the complaint against Joe Early et.al., persons and departments named supra; including but not limited to any persons and/or departments unnamed.

2) On or about Dec. 4<sup>th</sup> the Plaintiff recieved the record from A.D.A. Sandra Hautanen as ordered by Judge Tucker in the Dec. 2<sup>nd</sup> hearing; due to the fact that the Plaintiff had recieved nothing of the file and or record other than the original complaint, and motion in opposition.

3) There are multiple documents A.D.A. Sandra swears under the pains and penalties of perjury to, about documents being served and proceedings, see Exhibit "14" paper #13 & on

4) Sandra Hautanen also claims registry records show Danielle Thurlow (co-defendant & interested party) address to be 3 Castaldi Dr. Westbury, MA where her mother lives. But in fact Danielle Thurlow is being held at Framingham women's Prison and very well knows this. Furthermore registry records show 186 Everett St., Sbye., MA 01550 As last known address in registry's bank, see Exhibit "15". Another attempt at a railroading. Also see Exhibit "14" paper #7 documents and signature of Danielle's mom.

5) Furthermore the money was already gone what was A.D.A Sandra doing after she recieved the order on 9-10-10

from Judge Lemire pretending money still existed and claiming parties are not responding; wasting Judicial budgets and time.

6) At the December 3<sup>rd</sup> hearing with Judge Tucker, the A.D.A. and the Judge were very uptight and careful with thier words due to the whole forfeiture being a fantasy. The Plaintiff had to ask for the file 3 or 4 times.

7) A.D.A. Sandra knew about the order on the 20<sup>th</sup> by Judge Lemire and did not interfere with the conspiracy and or perpetration of the fraud to railroad the Plaintiff and his Property and criminal evidence in a pending case where money was Stolen ect.. A.D.A. Sandra committed perjury on documentation and in Proceedings; nor did Sandra object when the Plaintiff in the December 3<sup>rd</sup> hearing stated that he had recieved nothing of any documentation to the case other than the original complaint and motion in opposition.

8) Clearly agreeing that she never did send anything other than that; proving Sandra broke the Law and codes of responsibility; along with perpetrating a fraud, and conspiring to railroad the Plaintiff with custom usage of Policy while acting under the color of Law in her individual capacity but cloaked in her official capacity did violate and abridge the Plaintiff's Civil Rights.

9) Glenn Ludwig being the Chief A.D.A. of Forfeitures and witnessing the custom usage of Policy and having seen a certified copy of the file (see Exhibit "14" Cover pages, cc.) and or orders when money is forfeited, neglected to ~~interfere~~ interfere and entered into the conspiracy and custom usage of Policy and violating the Plaintiff's civil Rights willingly and voluntarily with carless indifference.



10) Joseph D. Early was put on notice of what was happening in his department, by receiving the motion 42 & 60(b); subpoena duces tecum (see certificates of service).

11) Sandra also received these motions and never once responded with an reply that she did send the documents the Plaintiff is alleging he never received. Instead she replies with memorandums and reasons for dismissal that are all frivolous.

12) Joseph D. Early did witness these matters, and failed to intervene; and also entered into the conspiracy by viewing the custom usage of Policy, perpetration of Fraud, Perjury, Judicial expenditures being wasted on a miscarriage of Justice; with malicious intent to deny a Plaintiff of his rights to his property, life, liberty, self representation, redress, due process and equal protection of Law with callous indifference.

13) Joseph D. Early et al. acted under the Color of Law in their own individual capacity while cloaked in their official capacities with persons and dept's herein named, and persons and or dept's unnamed that worked in concert to railroad the Plaintiff and or civil proceedings and or property of the Plaintiffs, and criminal evidence in an on-going case that has now been railroaded as well; while violating the I<sup>st</sup>, IV<sup>th</sup>, V<sup>th</sup>, VI<sup>th</sup>, & XIV<sup>th</sup> Amendments of the U.S. Constitution.

14) The Plaintiff seeks Declaratory, and injunctive, relief with Restitutive and compensatory damages.

SIXTH CAUSE OF ACTION

Patrick Burke (esq.)

LOCONTO (esq.)

1) On Feb 26<sup>th</sup> 2010 Shye P.D. executed a search warrant at 186 Everett where the two Plaintiffs resided at the time of the incident.

2) Police coerced the Plaintiff into taking blame for drugs found at 186 Everett in return for leaving the Plaintiff's wife and kids at home and serving wife Danielle Thornton a summons for much lesser charges. The Plaintiff agreed.

3) On or about the end of April the beginning of May the Plaintiff had prepared and was preparing a defense against Police misconduct and put his attorney on notice, of the drugs alleged in the affidavit were never entered into custody; along with numerous defects in the affidavit and investigation.

4) Attorney Patrick Burke was also notified of the defense as well, receiving many mailings from the Plaintiff including motions sent to attorney Stuart Hrovitz (Plaintiff's def. atty.), and all motions pertaining to the forfeiture before the money was forfeited; see Exhibit "6" mail log #12 & #14 for confirmed contact with atty Burke.

5) Read Exhibits "16" § "A", and Exhibit "16" § "B" is the Plaintiff's response to Patrick Burke about the conversation between atty Burke and Danielle Thornton; then refer back to continue.

6) Page 1, Lines 47-48 (Exhibit "16" § "A") Patrick Burke is attempting to coerce Danielle to agree with the state and railroad herself and Donald Andre (Plaintiff) and the defense prepared against Police misconduct. Page 1 Line 49 Burke tells Danielle



quote for quote what to say and what the state DA will be stating in his facts and Danielle is told by Burke to to say "yes"; it happened just like that. Patrick Burke was clearly coached before he went to see Danielle by a state actor attempting to coach Danielle into acting in the interest of the state and A.D.A. Hodgins.

7) Page 1 Lines 53 through 57 Burke attempts to use the Plaintiff as a tool to coerce Danielle and become hostile towards her husband and repeats what the state needs her to say to railroad the Plaintiff and his defense meanwhile forcing an innocent person to take a deal and say things she does not want to say, in order to get a state conviction. Pat Burke is clearly acting on behalf of the state to coerce Danielle into taking a plea she don't want, and admitting to facts in order for the state to pin the two defendants in an enterprise.

8) Patrick Burke became a state actor under the color of law breaking codes and responsibility to his duties, and with callous indifference for his client and her innocence, rights, and defense; committing malpractice as later confirmed in Exhibit "16" § "C". Read ExB. "16" § "C" and refer back to continue.

9) Exhibit "16" § "A", Page 1 Line 55-56 Danielle remind Burke of Police Coercion and Donald taking blame.

10) Line 57 through 61 Burke Pretends to know nothing of the meritorious defense of the Plaintiff (Donald) and money missing, no evidence of drugs, unsigned custody forms, ect. and attempts to create doubt in Danielles mind of a nexus being the only shot she has and is a very slim one at that, because only 1 in 10 Judges approve the motion (not like it's based on a case by case basis; Burke claims it's a Judge by Judge basis).

11) Exhibit "16" § "A" Line 62 Burke proceeds to create doubt in her mind calling her husband an idiot and that he's reading the wrong books (not knowing what books the Plaintiff is reading) ect.

12) Burke goes on in Lines 65 through 71 (pg. 2) and clearly lie and Coerse Danielle and tell her what she needs to say with total ignorance towards her stating that she did not want to plead guilty.

13) Burke even attempts to use her children as tools and say she can be home with them, all she has to do is what the state wants (in other words). Throughout the entire letter ~~the~~ stress and needless pressure ~~was~~ was put on an ~~innocent~~ innocent woman's shoulders due to her never being convicted of a crime or ever being in an situation as such ever before. Burke clearly and maliciously harped on her innocence creating fear and doubt avoiding any talk of options, defenses, rights, motions, or what Danielle had for suggestions and or thoughts about what she wanted to do, or attempt to do; completely voiding his administrative duties maliciously denuding the codes of the Bar and acting for the state, in an attempt to railroad there man; at the cost of a persons life, liberty, property, due process, equal protection & multiple civil rights callously.

14) Exhibit "16" § "C" page 1, Lines 6 through 19 refers to atty. Loconto and his involvement in acting on behalf of the state to Coerse and lie to Danielle in an attempt to scare her into taking a deal and testing her to see if she would be upset she could not Plea, due to the fact Burke had seen her about two wks prior and left her stew on her fear and doubt he instilled in her mind with the excitement of possibly going home on 9-11-10.



15) Attorney Loconto clearly lies about Danielle not being able to do anything today because Burke was in another Court. Lines 89 through 95, also show Loconto trying to create fear and doubt to a woman in a case he has no business offering any legal advise to or of; especially seeing she did not solicit any advise.

16) Loconto attempted to instill fear and conspire with the state to lie, and deceitfully played trickery to induce Danielle to be at the States mercy, and complicit with thier demands, entering him in the conspiracy and perpetration of fraud as an state actor under the color of Law; inter-alia his neglect to interfere with the conspiracy and violation of the womans civil rights. Loconto is guilty of malpractice and acting under the color of law to maliciously, and callously violate Danielles rights so that she would comply with what the state ADA wanted; so they may railroad the Plaintiff by making and coersing Danielle to say what they need her to say; at any cost including having attorneys such as Loconto Lie and Coerse.

17) Exhibit "16" § "D" page 1 Lines 14 through 16 adds to the ongoing attempt to railroad the Plaintiff and attny Burkes refusal to comply with his clients requests of the plea agreement; of which the Plaintiff believes incriminating information might have been over looked or added later.

18) Exhibit "16" § D pg. 1 Lines 22 through 25 is a showing of a woman who Plead out to a misdemeanor possession and was told by her attny Patrick Burke she had to sign over the money to plea out; of which no knowledge of of her rights to the money was ever explained and hav a simple possession does not induce a forfeiture of money as

in accord with G.L. 94C § 47. Also attached to the letter is the forfeiture order (Page 2 of 3), which reads so. This could be nothing, but with the improper defendant listed and docket, along with the fantasy proceedings that carried on until the Plaintiff started connecting the fraud in the civil with the criminal in open court the Plaintiff believes this could be a fraud and common custom usage of Policy in this court by State actors and Judges to steal money and forfeit the proceeds to pay for court Proceedings that never really took place in the forfeitures (Possible inference)

19) Exhibit "16" § "E" Lines 30-34 is still further proof for the ongoing conspiracy that State actors and Patrick Burke who is also involved to help railroad the Plaintiff and provide no assistance to Danielle knowing it might aid the Plaintiff and or his defense in the criminal matters.

20) Patrick Burke has aided the State actors and A.D.A in coersing Danielle while maliciously violating her rights to conspire with the state to railroad the Plaintiff, and help the State to incriminate the Plaintiff and telling her what to say and or agree to. Patrick Burke perpetrated a fraud with the State A.D.A., and conspired while being paid by state funds to represent Danielle; entering him in to the conspiracy as a State actor under the Color of Law while violating codes and duties, and multiple civil Rights, committing malpractice

21) Attorney's Lizonto and Burke did violate Multiple Constitutional Amendments of both Danielle Thurlow and the Plaintiff in accord with Redress against police misconduct, deprived of life, liberty, Property, with due process and equal Protection of the law, I, IV<sup>th</sup>, ~~IV~~ IV<sup>th</sup> Amendments were Violated and of which the Plaintiff seeks Declaratory relief; Punitive and Compensatory damages.



# "SEVENTH CAUSE OF ACTION"

## JOAN GOGGINS (esq.)

1) On 9-30-10 Stand-by attorney John Goggins was appointed to the Plaintiff as stand-by Counsel without ever hearing the motion in open Court and or the motion ever entering the docket (Exhibit "8"). Before this occurrence the Plaintiff had to fight to hear discovery motions that still to this day have never been heard, due to Judges not wanting to hear them, and Judges forcing a suppression motion to be heard.

2) Upon appointment John Goggins attempted to intervene as an attorney and relay messages from the A.D.A. and tried to get response and a message from the Plaintiff to relay back; of which the Plaintiff put a stop to immediately.

3) Exhibit "17" § "C" 2<sup>nd</sup> paragraph is a showing of the unwanted advise from John due to his advise and/or opinions being without merit or advise that attempts to create doubt and or attempts to deter the Plaintiff from his defense as seen throughout Exhibit "17" § "B" through "G".

4) John was present at the 9-30-10 hearing when Judge Moriarty railroaded the Plaintiffs defense and motions as stated in the application (Exhibit "0" zero). John Goggins goes on in a December 2<sup>nd</sup> correspondence (Exhibit "17" § "F") that Judge Moriarty advised the Plaintiff he was arguing his Franks motion wrong; when in fact at no time did the Judge ever state anything ~~remotely~~ remotely close to that. The Plaintiff was denied any opportunity to be heard. Doors to the Court were slammed shut, and words fell on deaf Ears.

- 5) John writes that the Plaintiff was advised of arguing Probable Cause in the affidavit and the Plaintiff stated that he did not think that was the Proper avenue. Gaggins continues to paint a picture of something that don't and never existed.
- 6) The only thing ever spoke of at any time of probable cause was when John told the Plaintiff he should pull back his interlocutory appeal and go for a nexus motion between the dogs and the house.
- 7) Once again John is witness to the meritorious motion for suppression within the Addendum of Exhibit "1", and the merit of the application for interlocutory appeal.
- 8) The only meritorious statement John states is paragraph 1 Line 5, about getting an affidavit; of which the Plaintiff attempted to file multiple times and attempted to have signed by a witness in open court; of which John was there when the Plaintiff attempted this, and at no time did he offer his services to help the Plaintiff to get the affidavits signed. Furthermore that statement by John is a lie because he never mentioned that other than in this letter.
- 9) Johns comments and opinions are full of bull---- and are staged as if to offer no merit other than the implications of offering his unsolicited advise to help, but are frivolous and are created to try and create doubt in the mind of a Layman; in an attempt to try and deterr his meritorious defense against Police misconduct.
- 10) Exhibit "17" & "A" is all letters addressed to John with attachments and motions he was asked to set for hearing. The sixth letter is a letter to A.D.A. Chris Hodgins confirming a telephone call that was made to John asking him to



Set the motions listed in the letters for hearing; of which he never did as asked to do numerous times and confirmed by the letters in §"A". John was also sent Exhibit "0" and "1"; with no help offered as to help the Plaintiff set motions and or help with filing.

11) John's letters "B" through "G" are all Frivolous and offer no help towards the administrative and or fiduciary duties required of him when asked as here by the Plaintiff who is standing out side the court house with no access to even a window never mind a door; who is being railroaded by every dept., and has a stand-by attorney who ignores anything requested of him, and tells the Plaintiff in many letters how he forgot to dot an i or cross a t.

12) Exhibit "17" §"B" John writes that he can provide no assistance in my civil matters seeing he is for criminal matters only. But if you read §"A" Letter 1 with it's attachment the Plaintiff is merely asking for help setting motions for hearing not assistance with the matters of the case.

13) The only reason the Plaintiff took on a stand-by attny was for help filing and setting motions for hearing of which the Plaintiff has asked John to do until blue in the face; has been of no avail.

24) John letter (Exhibit "17" §"C", 3<sup>rd</sup> & 4<sup>th</sup> paragraph) dated Nov. 18<sup>th</sup> inferred the Plaintiff might not know what he is asking for in his Pleadings. The Plaintiff is very clear in his Pleadings, but it is court officials and actors such as John Goggins who want to deterr the Plaintiff such as Exhibit "17" §"E" where John sends an investigator up to the Jail to visit the Plaintiff on his court date of which John was present just 8 days prior when the Nov. 19<sup>th</sup> date was set, also see Exhibit "17" §"D".

15) Exhibit "17" § "G", John's letter dated Dec. 16<sup>th</sup> refers back to the hearing when Judge Lemire asked the Plaintiff what a Judicial notice was. The Plaintiff replied back with the correct response and there was no further mention of the matter, but as here in John's letter with attachments John goes further to mock the Plaintiff and carry off his charade of you don't know what you are doing and I'm here to help you.

16) Even Stuart Herowitz (ex-attny) has taken notice on the hardships the Plaintiff has experienced as underlined in Exhibit "17" § "H"; of which John has not even taken any notice and or offered any help and has given the Plaintiff an investigator who now won't respond to any letters and or answered any calls from the Plaintiff's wife, see Exhibit "16" § "E" pg 1, Lines 23-24 dated Dec. 13<sup>th</sup>.

17) John on 9/30/10, after the hearing tried to deter a witness of the Plaintiff who was willing and available to sign affidavits for the Plaintiff to back up his suppression motion; of which was denied that day and the signing of the affidavits were also denied. After the hearing John approached the witness and gave legal advice to someone who never asked for it, along with approaching a witness of the Plaintiff without permission and giving legal advice to deter the witness from signing the affidavits. John told the witness to get legal advice from her attorney (Patrick Burke) before signing them.

18) John Goggins entered into the conspiracy of railroading the Plaintiff by way of neglecting to interfere with the impeded access and or mail to the court and not fulfilling his administrative, fiduciary duties that were requested of him numerous times.



19) John also entered in to the conspiracy with the State and A.D.A.; perpetrated a fraud when he attempted to deter a witness and create doubt in the witnesses mind about assisting the Plaintiff in his defense. Joining John with the State as an actor under the Color of Law while also employed and appointed by the state as Stand-by Counsel who neglected to follow Codes and responsibility along with administrative duties unfilled, committing malpractice, maliciously and callously, abridging the Plaintiffs civil Rights, self representation, access to the Courts, denying he recieved mail (mail fraud), redress, life, liberty, Property, due process & equal protection of the Law and codes of administrative responsibility to the Plaintiff as stand-by.

20) John Geggins' improprieties of his responsibilities have damaged the Plaintiff and case to the point of immediate and irremedial damage with his failure to intervene in the on-going frauds against the Plaintiff and now mail to the S.T.C.

has also been railroaded of which John should have notified the Plaintiff that he should have recieved a docket number seeing it had been over a month since the application had been put in; instead of giving his unsolicited advise of an error in the title of the application a month later. Never the less John has not helped in any way what has been LA'DLY begged of him, and that was to help with filing and setting motions due to the fact the Plaintiff can't do either with such impediments. With the Plaintiffs facts & reasons supra and the 1<sup>st</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 14<sup>th</sup>, Amendments of the U.S. Constitution being violated due to the attorney Geggins conspiring with state actors herein named and unnamed the Plaintiff seek declaratory relief, and Punitive and compensatory damages.

SUPPLEMENTAL ATTACHMENT  
"THIRD CAUSE OF ACTION (ATTACHMENT)"  
ASSISTANT SUPERINTENDANT LEGENDRE

1) On or about Dec. 9<sup>th</sup> 2010 the Plaintiff placed a call to a Ms. Lyons via telephone in the social worker Paul's office (see Exhibit "11" social worker request slips) from Lyons Investigations; who was very interested in the case and assisting the Plaintiff and enquired who she must speak with to visit the Plaintiff.

2) The Plaintiff advised the Ass. Superintendent Mr Legendre was the officer to speak with to Ms. Lyons. The Plaintiff also advised Ms. Lyons that she might experience some difficulty due to the Jail and Court not liking the Prose' litigant and have tried to railroad the Plaintiff.

3) Ms. Lyons placed a couple calls to Mr. Legendre with no answer; Ms. Lyons told the Plaintiff she had left messages as well that have not been responded to. Ms. Lyons told the Plaintiff not to worry that she would keep trying and asked if the Plaintiff had any ideas. The Plaintiff suggested coming to the Jail to attempt access and further inquiry. The Plaintiff has confirmed this information over the phone at the social workers office (Paul) over a couple week period before Christmas. The last call being on or about Dec. 22-23.

4) The Plaintiff who has been literally thrown out of the Court house and had the doors and windows literally slammed shut to a pro se' litigant to Court[S], due to the Jail and various Dept.'s committing mail fraud, shutting off his phone, moving him in the Jail to impede access, deny him logs & or records, and all sorts of meaningful access and now impeding his access to an



investigator.

5) Ass. Superintendant Mr. Legendre is denying the Plaintiff his civil Rights by abridging his access to an investigator to aid him and his defense in ongoing criminal and civil matters he is being held on; depriving him of proper self representation, redress to police misconduct, Judicial misconduct, along with rights to life, liberty, Property, and due Process; equal protection of the Law.

6) Mr. Legendre is acting under the Color of Law in his individual capacity to abridge the Plaintiffs access and civil rights, while cloaked in his official capacity entering him in the conspiracy to railroad the Plaintiff while perpetrating a fraud with callous indifference for the Plaintiff and or his official Policies and or duties required of him.

7) The Plaintiff does not have time to Grieve this ongoing malicious actions of Mr. Legendre, due to the Plaintiff being Put in immediate and irremediable situation with mail being railroaded and being denied redress in court and to courts and the Judges Pushing to put the Plaintiff in danger and trial unprepared.

8) The Plaintiffs I<sup>st</sup>, IV<sup>th</sup>, V<sup>th</sup>, VI<sup>th</sup>, XIV<sup>th</sup> Amendments to the U.S. Constitution of America have been violated maliciously by the Sheriff GUY Gladi's et.al., and multiple dept. under his control and now including Ass. Superintendant Mr. Legendre; of which the Plaintiff seeks Declaratory and or Injunctive relief along with Punitive, and Compensatory damages.

CONCLUSION

Wherefore based on the facts, claims, documentation, and allegations herein asserted in the foregoing complaint; with all persons, Parties, entities, departments, and or offices including named and unnamed, but not limited to, acted under the Color of Law maliciously or with negligence to the ongoing conspiracies, and Perpetration of frauds to abridge the Plaintiff and or his civil Rights, appropriate relief should be granted; or trial by Jury.

"OATH"

I Donald Andre Jr. hereby declare under the Pains and Penalties of Perjury that the foregoing Complaint has been submitted to this honorable Court in good faith and to the Best of my knowledge.

Donald Andre Jr.

CERTIFICATE OF SERVICE

I Donald Andre Jr. hereby certify that on this the       day of       sent a true copy of the foregoing Complaint via first class certified mail to the following:

a) Judge Moriarty  
b) Judge Lemire  
c) Dennis P. McManus  
d) Clerk Connie  
e) Tony Rabidon  
f) Kevin Gabidon  
g) Catherine Brennan  
h) Tempsey

i) Joseph D. Early Jr.  
j) Glenn Ludwig  
k) Sandra Hawtanen  
l) Goy Glodis  
m) Jeffrey Turco  
n) Deputy Chappel  
o) Lt. Betty  
p) Paolo Franzese

q) Luigi DiFilippo  
r) Steve Kennedy  
s) Carmen Eldridge  
t) Ass. Super, Legendre  
u) Patrick Burke  
v) Loconto(esq.)  
w) John Gaggins



CERTIFICATE OF SERVICE CONT.

Parties a) through k) were all served the complaint  
 at: Worcester Trial Court  
 Att: "Party a - k" (Dept.) & (R.M.#) (All served separate)  
 225 Main St.  
 Worcester, MA. 01608

Parties l) through t) were all served the Complaint  
 separately at: Worcester County Sheriffs Dept.  
 Att: "Party l - t", (Dept.)  
 5 Paul X. Tirnan Dr.  
 Westboyiston, MA. 01583

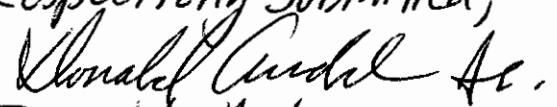
Parties u) & v) were each served the complaint Separate  
 at: Partic u & or v  
 56 Williams St.  
 Worcester, MA. 01609

Party w) (John Goggins) was served the complaint  
 separate at: 46 Wachusett St.  
 Worcester, MA. 01609

Dated: 1-7-11

Attorney General U.S. Dist. Ct.  
 One Exchange Place 595 Main St.  
 Worcester, MA. 01608 Worc., MA. 01608

Attorney General  
 1350 Main St, (4<sup>th</sup> floor)  
 Springfield, MA, 01103

Respectfully Submitted,  
  
 Donald Andre Jr.  
 MSA# 0079330  
 5 Paul X. Tirnan Dr.  
 Westboyiston, MA, 01583